

1-11

To Janice Burse

FAX: 703 308 7751

From: D.S. Terman
Tele: (831) 624-8569

Dear Janice:

Attached are the corrected filing receipts for the provisional (60113,37) and the non-provisional (09/751,708).

Under "Domestic Priority Data as claimed by Applicant", there needs to a correction regarding the provisional filing date.
Thank you for your help.

Sincerely,

David Terman

BEST AVAILABLE COPY



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20591
www.uspto.gov

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLAIMS	IND CLAIMS
60/173,371	12/28/1999		75			3	

CONFIRMATION NO. 9958
CORRECTED FILING RECEIPT



OC00000006344750

Date Mailed: 07/26/2001

DAVID S. TERMAN
P O BOX 987
PEBBLE BEACH, CA 93953

Receipt is acknowledged of this provisional Patent Application. It will not be examined for patentability and will become abandoned not later than twelve months after its filing date. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

RECEIVED

Applicant(s)

DAVID S. TERMAN, PEBBLE BEACH, CA

SEP 06 2001

If Required, Foreign Filing License Granted 02/12/2000

TECH CENTER 1600/2900

Projected Publication Date: N/A

Non-Publication Request: No

Early Publication Request: No

** SMALL ENTITY **

Title

COMPOSITIONS AND METHODS FOR TREATMENT OF NEOPLASTIC DISEASES

Data entry by : BURSE, JANICE

Team : OIPE

Date: 07/26/2001



Paper No. 6
COPY MAILED

DAVID S. TERMAN
P.O. BOX 987
PEBBLE BEACH, CA 93953

DEC 01 2000

OFFICE OF PETITIONS
A/C PATENTS

In re Application of
David S. Terman
Application No. 60/173,371
Filed: December 28, 1999
For: Compositions and Methods for
Treatment of Neoplastic Disease

DECISION GRANTING
PETITION**RECEIVED**

SEP 06 2001

TECH CENTER 1600/2900

This is a decision on the petition filed November 21, 2000, requesting that the above-identified provisional application be accorded a filing date of December 28, 1999. The application was recently forwarded to the Office of Petitions for consideration of the petition.

On December 28, 1999, this application was deposited with the United States Patent and Trademark Office (Office) without drawings containing Figures 1, 2 and 3 as described in the specification. Accordingly, on February 14, 2000, the Office of Initial Patent Examination mailed a Notice of Incomplete Provisional Application (Notice), stating that the Figures described in the specification were missing.

In response, on March 31, 2000, applicant filed three (3) sheets of drawings containing Figures 1, 2 and 3 and a copy of the Notice of February 14, 2000. Thereafter, the Office of Initial Patent Examination accorded a filing date of March 31, 2000, the date when applicant filed the drawings containing Figures 1, 2 and 3.

On November 21, 2000, applicant filed the present petition, a petition fee, and a preliminary amendment canceling the references to Figures 1, 2 and 3 in the specification. In the present petition, applicant requests that the above-identified application be accorded a filing date of December 28, 1999, the date the application was deposited with the Office without Figures 1, 2 and 3. Specifically, applicant states that the drawings containing Figures 1, 2 and 3 are not necessary for an understanding of the disclosed subject matter, and therefore, the application should be accorded the filing date of December 28, 1999, without the drawings.

A review of the record reveals, as applicant admits, that the application papers deposited on December 28, 1999, did not include Figures 1, 2 and 3. 35 USC 113, first sentence states, "The applicant shall furnish a drawing where necessary for the understanding of the subject matter sought to be patented." In general, it is the practice of the Office to treat an application that contains at least one process or method claim as an application for which a drawing is not necessary for an understanding of the invention under 35 USC 113. In this case, the application, as filed, includes method claims, which by Office practice does not require a drawing for filing date

purposes. In addition, applicant is willing to accept the application, as filed on December 28, 1999, without drawings for purposes of an original disclosure and filing date.

In view of the above, the petition is granted.

The application will be processed with a filing date of December 28, 1999, without using Figures 1, 2 and 3.

The preliminary amendment to the specification, filed November 21, 2000, canceling the references to Figures 1, 2, and 3 will be entered in due course and must be considered by the examiner for entry of new matter not described in the application as filed. See 35 USC 112, first paragraph; 35 USC 132.

The drawings containing Figures 1, 2 and 3, filed on March 31, 2000, are withdrawn and will not be used or entered during the prosecution of this application.

The application is being returned to the Office of Initial Patent Examination for correction of the filing date to December 28, 1999, and for an indication on the filewrapper that no sheets of drawings were present on filing.

Telephone inquiries specific to this matter should be directed to Petitions Attorney Christina T. Tartera at (703) 306-5589.

Beverly M. Flanagan
Beverly M. Flanagan
Supervisory Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	DRAWINGS	TOT CLAIMS	IND CLAIMS
09/751,708	12/28/2000	1651	345			42	19

CONFIRMATION NO. 8389

FILING RECEIPT



OC000000006374036

David S. Terman
P.O. Box 987
Pebble beach, CA 93953

Date Mailed: 08/02/2001

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

David S. Terman, Pebble Beach, CA;

RECEIVED

SEP 06 2001

TECH CENTER 1600/2900

Domestic Priority data as claimed by applicant

THIS APPLN CLAIMS BENEFIT OF 60/173,371 12/28/1999
(*) Data inconsistent with PTO records.

Foreign Applications

Projected Publication Date: To Be Determined - pending completion of Missing Parts

Non-Publication Request: No

Early Publication Request: No

** SMALL ENTITY **

Title

Compositions and methods for treatment of neoplastic disease

Preliminary Class

435



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
09/751,708	12/28/2000	David S. Terman	

David S. Terman
P.O. Box 987
Pebble beach, CA 93953

CONFIRMATION NO. 8389
CORRECTION COVER LETTER



OC000000006291846

Date Mailed: 08/02/2001

COVER LETTER FOR CORRECTION OF PREVIOUS NOTICE

The Notice mailed on 06/20/2001 was sent in error and is hereby withdrawn. A corrected Notice is enclosed. The time period for reply runs from the mail date of the corrected Notice. We apologize for any inconvenience this caused.

A copy of this notice MUST be returned with the reply.

[Signature]
Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE